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Planning Commission Staff Report - Addendum

TO: PLANNING COMMISSION/ DESIGN REVIEW BOARD

FROM: NATHAN WILLIAMS, AICP, SENIOR PLANNER
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THROUGH: CATHERINE LORBEER AICP, PRINCIPAL PLANNER
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MEETING DATE: FEBRUARY 5, 2020

SUBJECT: Z19-17: BERGE VAL VISTA NORTH: REQUEST TO REZONE APPROX. 162 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF VAL VISTA DRIVE AND OCOTILLO ROAD FROM SINGLE FAMILY 35 (SF-35) ZONING DISTRICT TO APPROX. 38.60 ACRES (PARCEL 1) OF SINGLE FAMILY - 8 (SF-8); 34.49 ACRES (PARCEL 2) OF SINGLE FAMILY - 7 (SF-7); 19.80 ACRES (PARCEL 3) OF SINGLE FAMILY - 7 (SF-7); 25.69 ACRES (PARCEL 4) OF SINGLE FAMILY - 6 (SF-6); 17.74 ACRES (PARCEL 5) OF SINGLE FAMILY - 6 (SF-6); AND 25.76 ACRES (PARCEL 6) OF SINGLE FAMILY DETACHED (SF-D) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY

STRATEGIC INITIATIVE: Community Livability

This project would allow for residential development within a currently vacant property.

RECOMMENDED MOTION

For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z19-17, as requested, subject to the conditions listed in the staff report.

APPLICANT/OWNER

Company: Burch & Cracchiolo PA

Name: Brennan Ray

Address: 702 E. Osborn Rd. #200
Phoenix, AZ 85014

Phone: 602-234-8794

Email: bray@bcattorneys.com

Company: Caballero Apartments LP
c/o Maracay Homes

Name: Jason Weber

Address: 15279 N. Scottsdale Rd. #300
Scottsdale, AZ 85254

Phone: 602-234-8794

Email: Jason.weber@maracayhomes.com

DISCUSSION**Overview**

The subject site is currently an undeveloped combination of parcels totaling 162 acres with an existing General Plan land use classification of Residential > 2-3.5 DU/ Acre. The applicant is not requesting a change to the existing General Plan as the proposed gross density would be approximately 3.0 DU/ Acre (485 residential lots/ approx. 162 gross acres). The proposed development will contain a combination of single-family zoning districts to offer a mixture of housing products to the community.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Residential > 2-3.5 DU/Acre	Single Family 7 (SF-7) and Single Family 8 (SF-8)	Appleby Rd (partially developed) then Vista Dorado subdivision.
South	Residential > 2-3.5 DU/Acre	Single Family 35 (SF-35)	Ocotillo Road (partially developed) then undeveloped
East	Residential > 0-1 DU/Acre and PF/I	Maricopa County Rural – 43 Town of Gilbert SF-43 and PF/I	Val Vista Drive (developing) then large lot residential and Weinberg Elementary
West	Residential > 2-3.5 DU/Acre	Maricopa County Rural – 43 and Town of Gilbert SF-6	148 th Street (partially developed) then Felty Farms subdivision and large lot residential
Site	Residential > 2-3.5 DU/Acre	Single Family 35 (SF-35)	Undeveloped

As part of the Planned Area Development overlay request, the applicant is proposing several deviations to the base zoning district shown **in bold** in the table below:

Project Data Table:

Site Development Regulations	LDC Single Family 8 (SF-8)	Proposed Development for Berge Val Vista North (Parcel 1) SF-8 PAD
Minimum Lot Area (sq. ft. per DU)	8,000	9,000

Site Development Regulations	LDC Single Family 8 (SF-8)	Proposed Development for Berge Val Vista North (Parcel 1) SF-8 PAD
Minimum Lot Dimensions (width x depth)	75'x100'	70'x 130'
Maximum Height (ft.)/Stories	30'/ 2-story	30'/ 2-story
Minimum Building Setbacks (ft.): Front Yard Side Yard Rear Yard	 20' 10/ 10' 25'	 20' 5'/ 10' 25'
Maximum Lot Coverage (%)	45% one-story 40% two-story	45% one-story 40% two-story

Project Data Table:

Site Development Regulations	LDC Single Family 7 (SF-7)	Proposed Development for Berge Val Vista North (Parcel 2) SF-7 PAD
Minimum Lot Area (sq. ft. per DU)	7,000	7,500
Minimum Lot Dimensions (width x depth)	65'x 100'	60'x 125'
Maximum Height (ft.)/Stories	30'/ 2-story	30'/ 2-story
Minimum Building Setbacks (ft.): Front Yard Side Yard Rear Yard	 20' 5' and 10' 20'	 20' 5' and 10' 20'
Maximum Lot Coverage (%)	45% one-story 40% two-story	45% one-story 40% two-story

Project Data Table:

Site Development Regulations	LDC Single Family 7 (SF-7)	Proposed Development for Berge Val Vista North (Parcel 3) SF-7 PAD
Minimum Lot Area (sq. ft. per DU)	7,000	7,000
Minimum Lot Dimensions (width x depth)	65'x 100'	55'x 128'
Maximum Height (ft.)/Stories	30'/ 2-story	30'/ 2-story

Site Development Regulations	LDC Single Family 7 (SF-7)	Proposed Development for Berge Val Vista North (Parcel 3) SF-7 PAD
Minimum Building Setbacks (ft.): Front Yard Side Yard Rear Yard	20' 5' and 10' 20'	20' 5' and 10' 20'
Maximum Lot Coverage (%)	45% one-story 40% two-story	45% one-story 40% two-story

Project Data Table:

Site Development Regulations	LDC Single Family 6 (SF-6)	Proposed Development for Berge Val Vista North (Parcel 4) SF-6 PAD
Minimum Lot Area (sq. ft. per DU)	6,000	5,900
Minimum Lot Dimensions (width x depth)	55' x 100'	55' x 108'
Maximum Height (ft.)/Stories	30'/ 2-story	30'/ 2-story
Minimum Building Setbacks (ft.): Front Yard Side Yard Rear Yard	20' 5' and 10' 20'	15' 5' and 10' 20'
Maximum Lot Coverage (%)	45% one-story 40% two-story	45% one-story 40% two-story

Project Data Table:

Site Development Regulations	LDC Single Family 6 (SF-6)	Proposed Development for Berge Val Vista North (Parcel 5) SF-6 PAD
Minimum Lot Area (sq. ft. per DU)	6,000	6,150
Minimum Lot Dimensions (width x depth)	55' x 100'	50' x 123'
Maximum Height (ft.)/Stories	30'/ 2-story	30'/ 2-story
Minimum Building Setbacks (ft.): Front Yard Side Yard Rear Yard	20' 5' and 10' 20'	15' 5' and 10' 20'
Maximum Lot Coverage (%)	45% one-story 40% two-story	45% one-story 40% two-story

Project Data Table:

Site Development Regulations	LDC Single Family Detached (SF-D)	Proposed Development for Berge Val Vista North (Parcel 6) SF-D PAD
Minimum Lot Area (sq. ft. per DU)	3,000	4,000
Minimum Lot Dimensions (width x depth)	N/A	40'x 105'
Maximum Height (ft.)/Stories	36'/ 3-story	30'/ 2-story
Minimum Building Setbacks (ft.): Front Yard Side Yard Rear Yard	10' 0' or 5' (10' min. between buildings) 10'	10' 0' or 5' (10' min. between buildings) 10'
Maximum Lot Coverage (%)	60% one-story 50% two-story	60% one-story 50% two-story

DISCUSSION**General Plan**

As proposed, the Berge Val Vista North master planned development by Maracay Homes would remain in conformance with the existing General Plan land use designation density range of 2-3.5 DU/Acre with a total of 485 lots on 162.08 acres (approximately 3.0 DU/ Acre). As noted above, the subject site is located within the Santan Character Area and has always been designated by the General Plan to be the type of residential uses and lot sizes proposed under Z19-17.

The proposed rezoning request supports the goals and policies of the Town of Gilbert General Plan's Land Use and Character Areas (Santan Character Area) chapters as follows:

- Goal 1.0; Policy 1.1 Maintain a balance of housing types and provide a variety of employment opportunities with easily accessible retail and service uses.
- Goal 1.0; Policy 1.3 Encourage residential development that allows for a diversity of housing types for all age groups and is accessible to a range of income levels.
- Goal 1.0; Policy 1.4 Plan areas for community services, including sites for schools, public safety, utilities, parks, trails and open spaces within new development projects. Surrounding residential densities should be appropriate to these non-residential areas and their uses
- Goal 4.0 – Provide a diversity of quality housing types for a variety of lifestyles.
- Goal 4.0; Policy 4.1 Provide an adequate supply of appropriately zoned land to accommodate a variety of future housing needs.

- SCA Goal 2 Policy 2.4 – Promote collector street system.
- SCA Goal 2 Policy 2.6 – Encourage subdivision design to optimize open space areas for community gatherings.
- SCA Goal 3 Policy 3.2 – Encourage master planned communities to create village centers.
- SCA Goal 3 Policy 3.6 – Provide buffering between different land uses and densities.
- Development Criteria – Density:
 - Subdivision design that provides ample open space as a community focal point and buffers existing adjacent large lots with similar lot sizes.
 - Provide a minimum ten percent (10%) open space or acceptable alternatives, which meet the spirit and goals of the Santan Character Area.

Rezoning

The applicant is requesting a combination of zoning districts and lots sizes, as follows: SF-8 (Parcel 1, 75 lots, 38.6 acres, 24% of total), SF-7 (Parcels 2 and 3, 138 lots, 54.29 acres, 33%), SF-6 (Parcels 4 and 5, 165 lots, 43.43 acres, 27%) and SF-D (Parcel 6, 107 lots, 25.76 acres, 16%) zoning districts all with a Planned Area Development (PAD) overlay. The applicant has proposed deviations from the Land Development Code (LDC) as identified above in the project data tables for each zoning district and parcel.

The approx. 162 gross acre Berge Val Vista North site is located within the Santan Character Area, and appears to be compatible with the other master planned communities in this character area (i.e. Layton Lakes, Vista Dorada, Shamrock Estates, Adora Trails, Seville and Hamstra Dairy) with typical lots ranging from sizes of 6,000 sq. ft. – 10,000 sq. ft. with supplemental portions of smaller lots (3,000 – 4,000 sq. ft.) with SF-D zoning within the Residential > 2 – 3.5 DU/ acre land use densities.

Overall staff finds that there are a number of elements of the overall design that are very good; such as having four (4) overall access points on all sides of the community, the use of curvilinear streets, utilizing a central open space and amenities as well as various pocket parks. Staff has requested that through the preliminary plat process, the applicant also demonstrate that design features such as significant pedestrian trails, walkways and connections are being provided throughout the subdivision, as this will be an extremely important aspect of the overall community design and viability.

Staff was originally concerned with the proposed amount (approx. 43% of the overall community) of SF-D zoning district within the Berge Val Vista North community and within the Santan Character Area. Other existing, comparable master planned communities with the same density within the Santan Character Area (i.e. Layton Lakes, Vista Dorada, Shamrock Estates, Adora Trails, Seville and Hamstra Dairy) do not utilize SF-D zoning or they set aside a minor amount of their overall community for smaller lot zoning districts such as SF-D. The applicant has since made

a number of changes to this area of concern by both staff and the Planning Commission such as eliminating a significant number of SF-D lots/ zoning district, reducing the overall lots from 509 to 485 and increasing lot size diversity.

Primary gated access to the proposed master planned community is via Val Vista Drive. There are three (3) other secondary gated access points proposed, on each adjacent street of the overall development – Appleby Road to the north, Ocotillo Road to the south and from 148th Street to the west. Each ingress/ egress point will be gated for vehicles. However, with the Phase 1 improvements to the Berge Val Vista North community, the developer will be completing construction of 148th Street (collector street), which will provide 2-way traffic circulation around the entire community via collector and arterials streets. Additionally, the applicant has agreed through conditions of zoning that the pedestrian gates will remain open to the public from dawn until dusk, to allow for walkers, bikes and students wanting to walk to the future elementary school to be able to utilize the trails and walkways of the Berge Val Vista North community for access and circulation. Staff finds that this proposal is much more in-line with the Goals and Policies of the General Plan than the original proposal.

Traffic Engineering and Planning have worked with the applicant regarding the proposed phasing of infrastructure such as adjacent roads and internal streets, as well as overall access and circulation based upon the results of a Traffic Impact Analysis (TIA). Town staff has agreed with the proposed Phasing Plan (2 total phases of development), which will provide for the improvements to 148th Street to occur with the Phase 1 improvements.

PLANNING COMMISSION STUDY SESSION – 10/2/2019

At the Planning Commission Study Session on October 2, 2019, the following feedback was provided for the proposed Berge Val Vista North development under Z19-17:

- Overall density, the amount of SF-D and smaller lots proposed. More diversity of zoning and lots sizes.
- Compatibility with the Santan Character Area and other existing master planned communities.
- Number of base zoning district modifications, such as side yard setbacks in the SF-8 zoning district, etc.
- Proposed gating of the community and how it would impact pedestrians and connections to the future school site.
- If there would be suitable pedestrian connectivity throughout the community.
- Would the development be able to provide for adequate on-street guest parking for the community?

Staff finds that the applicant has addressed the majority of staff and the Planning Commission's comments through proposed zoning district changes eliminating a significant number of SF-D lots/ zoning district, a reduction in the overall lots from 509 to 485 and an increase in lot size diversity.

Additionally, the applicant has agreed to phase off-site street improvements such that 148th Street would be constructed with Phase 1 of the community and that the proposed pedestrian gates will

be open to pedestrians from dawn to dusk to help increase connectivity of the overall community for multiple modes of transportation.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

To date, two (2) neighborhood meetings have been held on the subject request. The first neighborhood meeting was held on October 16, 2018 at the Quartz Elementary School (approx. 8 residents in attendance) and the second neighborhood meeting was held on November 19, 2019 at the Quartz Elementary School; there were no residents in attendance. The meeting minutes demonstrate that the residents had a number of comments at the original neighborhood meeting, regarding why there is a need for more apartment homes, how the development will impact traffic in the area and how it will be buffered from residential properties to the south; as well as the types of units that would be offered in the apartment homes and how these will compare to other apartment homes in the area.

Staff has received no additional comments from the public at the time this report was written.

SCHOOL DISTRICT

The application materials for the Berge Val Vista North rezoning requests have been sent to the Chandler Unified School District (CUSD) for review. Staff notes that the CUSD is in the process of constructing a new elementary school on the subject site of Z19-17, in order to address the increase demands for school facilities in this area.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z19-17 rezoning approx. 162.08 acres generally located at the northwest corner of Val Vista Dr. and Ocotillo Rd. from Single Family -35 (SF-35) zoning district to 38.60 acres of Single Family-8 (SF-8), 54.29 acres of Single Family -7 (SF-7), 43.43 acres of Single Family-6 (SF-6), and 25.76 acres of Single Family-Detached (SF-D) zoning districts, all with a Planned Area Development (PAD) overlay, subject to the following conditions.

- a. Val Vista Drive is required to extend 70 feet from the monument line. To the extent that necessary rights of way have not been conveyed or dedicated to Gilbert to meet this requirement, Developer shall dedicate to Gilbert the rights-of-way necessary for Val Vista Drive to extend 70 feet from the monument line Gilbert. Said dedication shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer.
- b. Dedication to Gilbert for Ocotillo Road rights-of-way adjacent to the Property shall extend 65 feet from the monument line. The dedication shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication to Gilbert for Val Vista Drive and Ocotillo Road rights-of-way that are adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- c. Dedication to Gilbert for Appleby Road and 148th Street right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Appleby Road and 148th Street shall extend a minimum of 40 feet from the monument line of each road, or as otherwise approved by the Town Engineer prior to approval of the construction plans. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- d. Construction of ½ street off-site improvements to Val Vista Road and Ocotillo Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the

improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for Gilbert's reasonable costs of construction (to exclude any costs paid by the Developer for any ST1120 improvement pursuant to A.R.S. § 9-243) prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property.

- e. Construction of ½ street off-site improvements to Appleby Road and 148th Street adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or in accordance with an approved Phasing Plan.
- f. Prior to recordation of the final plat, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program, deducting costs paid by the Developer for any ST1120 improvement pursuant to A.R.S. § 9-243.
- g. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- h. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way.
- i. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- j. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.

- k. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

SF-8 (Parcel 1) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	9,000
Minimum Lot Dimensions Width Depth	70' 130'
Minimum Side Yard Setbacks	5' / 10'

SF-7 (Parcel 2) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	7,500
Minimum Lot Dimensions Width Depth	60' 125'
Minimum Side Yard Setbacks	5' / 10'

SF-7 (Parcel 3) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Dimensions Width Depth	55' 128'

SF-6 (Parcel 4) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	5,900
Minimum Lot Dimensions Depth	108'
Minimum Front Yard Setback	15'

SF-6 (Parcel 5) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	6,150
Minimum Lot Dimensions Width Depth	50' 123'
Minimum Front Yard Setback	15'

SF-D (Parcel 6) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	4,000
Minimum Lot Dimensions Width Depth	40' 105'
Maximum Height (ft./ stories)	30'/ 2-stories

1. All pedestrian gates within the Berge Val Vista North PAD will remain unlocked from dawn to dusk for the life of the community. This requirement shall be codified in the HOA documents and prohibit the removal or modification of this provision by declarant or HOA board.

Respectfully submitted,
/S/
Nathan Williams, AICP
Senior Planner

Attachments and Enclosures:

- 1) Notice of Public Hearing Map
- 2) Zoning Exhibit
- 3) Development Plan
- 4) Phasing Plan
- 5) Conceptual Illustrative Master Plan (for reference only)
- 6) Minutes from the Planning Commission Study Session of October 2, 2019 (6 pages)
- 7) Project Narrative (7 pages)